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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,040	01/14/2002	Paul Brian Duerk	Duerk 2-2	3492

22046 7590 11/17/2005

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HOLMDEL, NJ 07733

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/047,040	<b>Applicant(s)</b> DUERK ET AL.	
	<b>Examiner</b> Ming Chow	<b>Art Unit</b> 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Drawings*

1. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. See 37 CFR 1.84(o).

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7, 9, 11, 13, 15, 16, 18, 20, 21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Amin et al (US: 5995830).

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For claims 1, 2, 7, 9, 15, 20, Amin et al teach on items 122, 108, 126 of Fig. 1, MSC, voice mail node, and HLR (all together is the claimed “voice message processing circuitry”) in communication with a mobile telephone (claimed “cell equipment”).

Amin et al teach on column 2 line 1-31, determining the call is dropped and the user is connected to the voice mail node.

Regarding claims 3, 11, 16, 21, Amin et al teach item 102 Fig. 1, landline telephony device; item 120 Fig. 1, PSTN.

Regarding claims 5, 13, 23, Amin et al teach on column 4 line 59-67, the calling party is notified that the call has been dropped.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 12, 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 2 above.

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Amin et al failed to teach the party communicates with the dropped mobile device user over the wireless network via a mobile telephone device. However, "Official Notice" is taken that a plurality of mobile telephone users communicate to each other within the same wireless network via the same MSC is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have the party communicates with the dropped mobile device user over the wireless network via a mobile telephone device such that the modified system of Amin et al would be able to support the system users better control of dropped calls among mobile phone users within the same wireless network and the same MSC.

4. Claims 6, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above, and in view of Amin (US: 6418307, hereafter Amin-8307).

Amin et al failed to teach a signal to be transmitted to the cell equipment and notifies a message has been left. However, Amin-8307 teaches on column 1 line 46-61, the message center sends a notification to the cellular phone subscriber.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have a signal to be transmitted to the cell equipment and notifies a message has been left as taught by Amin-8307 such that the modified system of Amin et al would be able to support the system users a better and efficient method of notification to retrieve a voice message.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al as applied to claim 1 above.

Amin et al failed to teach a second MSC and a second wireless network. However, "Official Notice" is taken that two mobile telephone users communicate each other while each user belongs to different cell and different MSC of different wireless network is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Amin et al to have a second MSC and a second wireless network such that the modified system of Amin et al would be able to support the system users to communicate with other mobile telephone users in a different cell of different MSC of different wireless network.

### ***Response to Arguments***

6. Applicant's arguments filed on 8/26/05 have been fully considered but they are not persuasive.

7. Applicant argues, on page 3, regarding objections to the drawings. Applicant argued by stating "Pursuant to MPEP rules", however, Applicant failed to specifically point out the sections of the MPEP where support Applicant's argument. The Examiner would like to direct Applicant to see 37 CFR 1.84(o) for this objection.

8. Applicant argues, on page 14-16, regarding claim 5. Amin et al clearly teach on column 2 line 4-6, it is determined during an established call between at least two communication devices that a connection to one of the devices has been dropped. Amin et al also teach on column 5 line 47-55, automatically causes the telephone device of the party to be connected to a voice mail system.

9. Applicant argues, on page 17, 20, regarding claims 4, 8. The Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See MPEP 2144.03 (C).

10. Applicant argues, on page 18, regarding claim 6. As rejections stated above, Amin-8307 teaches on column 1 line 46-61, the message center sends a notification to the cellular phone subscriber. The "message center" as taught by Amin-8307 is the claimed "voice message processing circuitry" (see rejections stated in claim 1 above).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:



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**Commissioner of Patents and Trademarks**

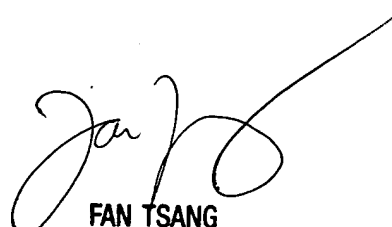
**Washington, D.C. 20231**

**Or faxed to Central FAX Number 571-273-8300.**

Patent Examiner

Art Unit 2645

Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**